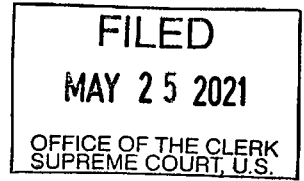


21-5258

ORIGINAL



IN THE  
SUPREME COURT OF THE UNITED STATES

CALVIN JAMES — PETITIONER  
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF ~~HABEAS CORPUS~~ <sup>HABEAS CORPUS</sup> TO

U.S. SUPREME COURT, CASE #20-64927  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF ~~HABEAS CORPUS~~ <sup>HABEAS CORPUS</sup>

CALVIN JAMES (INCARCERATED PRO'SE)  
(Your Name)

FCC COLEMAN USP-2 P.O. BOX 1033  
(Address)

COLEMAN, FLORIDA 33521  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

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## LIST OF PARTIES

- [ ☒ ] All parties appear in the caption of the case on the cover page.
- [ ] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## RELATED CASES

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF ~~CERTIORARI~~ <sup>HABEAS CORPUS</sup>

Petitioner respectfully prays that a writ of ~~certiorari~~ <sup>HABEAS CORPUS</sup> issue to review the judgment below.

OPINIONS BELOW

☒ For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☐ For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

## JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was 10/8/2020.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 3/4/2021, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from state courts:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

**QUESTION(S) PRESENTED**

1) COURTS ARE MAKING ERRORS THAT ARE BEING BIASLY OVERLOOKED  
SUCH AS THE ABSURD AMOUNT OF CONSTITUTIONAL VIOLATIONS  
I'M PRESENTING IN THIS PETITION.

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

- 1) GERSTEIN VS. PUGH 420 U.S. 103, 114 (1975)
- 2) REHAIF VS. UNITED STATES
- 3) MARBURY VS. MADISON 11803 5 U.S. 137 <LAW REPUNGANT>>

### STATUTES AND RULES

- 1) SUBCHAPTER VI § 23-591 <REPEALED>>
- 2) FED. R. CRIM. P. 4(c)(3)
- 3) FED. R. CRIM. P. 41
- 4) UNIFORM MAGISTRATE COURT RULE 25.
- 5) FED. R. CRIM. P. 9
- 6) EQUAL ACCESS RULE
- 7) MIDRES FED. R. CRIM. P 5

### OTHER

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1) 5<sup>th</sup> AMEND. U.S. CONSTITUTION; "DUE PROCESS" OF LAW
- 2) 4<sup>th</sup> AMEND. U.S. CONST.; RIGHT/PROHIBITION AGAINST ILLEGAL SEARCH AND SEIZURE; NO WARRANTS BUT UPON PROBABLE CAUSE;
- 3) 8<sup>th</sup> AMEND. U.S. CONST.; PROHIBITION AGAINST CRUEL AND UNUSUAL PUNISHMENT.
- 4) 14<sup>th</sup> AMEND. U.S. CONST.; CITIZENSHIP RIGHTS NOT TO BE ABRIDGE "EQUAL PROTECTION" FROM LAW.
- 5) 6<sup>th</sup> AMEND. U.S. CONST.; RIGHT TO ASSISTANCE OF COUNSEL.
- 6) SUBCHAPTER VI §23-591; AUTHORITY TO BREAK AND ENTER UNDER CERTAIN CONDITIONS <<REPEALED>>



## STATEMENT OF THE CASE

- #1. FEDERAL U.S. MARSHALS DIDN'T PROVIDE A JURISDICTIONAL STATEMENT AT TIME OF ARREST AS 5<sup>TH</sup> AMEND. "DUE PROCESS" CLAUSE PROHIBITS AND 14<sup>TH</sup> AMEND. U.S. CONST. "GUARANTEES" EQUAL PROTECTION FROM LAW.
- #2. COURTS DIDN'T PROVE ALL ELEMENTS (1) I HAVE BEEN CONVICTED OF CRIME PUNISHABLE BY ONE YEAR, 2) THAT DEFENDANT POSSESSED A FIREARM, 3) THAT FIREARM TRAVELED IN INTERSTATE OR FOREIGN COMMERCE, 4) AND THAT DEFENDANT KNOWINGLY KNEW THAT FIREARM AND POSSESSION WAS VOLUNTARILY AND INTENTIONAL. (1) (ALSO SEE REHAFF VS. UNITED STATES 139 S. CT 2191 (2019)). THIS ERROR VIOLATES MY 5<sup>TH</sup> AMEND. "DUE PROCESS" CLAUSE AND 14<sup>TH</sup> AMEND. "EQUAL PROTECTION" FROM LAW CLAUSE, 2. NEGLECTED MY RIGHT TO A FAIR TRIAL.
- #3. INDICTMENT DOESN'T READ ALL STATUTES GOVT. CHARGED ME WITH ON MY JUDGEMENT SHEET: 18 U.S.C § 922(G) AND 18 U.S.C § 924 (a) (2) MAKING 2 FAULTY AND FATAL. (1) SEE INDICTMENT # CR418-2055)
- #4. COURTS NEITHER MARSHALS PRODUCED WARRANT FOR ARREST OR SEIZURE OF CONTRABAND FOUND ON PRIVATE PROPERTY. VIOLATING 4<sup>TH</sup> AMEND. RIGHT, PROHIBITION AGAINST UNREASONABLE SEARCH AND SEIZURE AND PROBABLE CAUSE, AND 14<sup>TH</sup> AMEND. "EQUAL PROTECTION" FROM LAW CLAUSE, AND VIDEO SURVEILLANCE INTRODUCED AT TRIAL SHOWS OFFICERS BREAKING AND ENTERING UNDER 25 SUBCHAPTER VI § 23-591 PROHIBITS BREAKING AND ENTERING UNDER ANY CIRCUMSTANCES. (1) ALSO SEE FED. R. CRIM. P. 4(c)(3), 41, AND 9(1).
- #5. COURTS DID NOT MAKE A DETERMINATION OF PROBABLE CAUSE VIOLATING 4<sup>TH</sup> AMEND. "PROBABLE CAUSE" STANDARD AND 5<sup>TH</sup> AMEND. "DUE PROCESS" CLAUSE.
- #6. "KNOWINGLY" COURTS DID NOT PROVE KNOWLEDGE THAT ONE IS ACTING IN VIOLATION OF SOME LAW OR REGULATION, OR KNOWLEDGE THAT THE DONE ACT IS ILLEGAL. KNOWINGLY POSSESSED IS THE CRIST OF THE STATUTORY VIOLATION. IT HAS BEEN CONFERRED PROSECUTION "MUST PROVE" KNOWINGLY ALL ELEMENTS TO SUSTAIN A CONVICTION NOT PRESUME ALL ELEMENTS. 14<sup>TH</sup> AMEND. "DUE PROCESS" VIOLATION AND 14<sup>TH</sup> AMEND. GUARANTEE EQUAL PROTECTION FROM LAW.

## STATEMENT OF THE CASE CONTINUED

#7) OFFICERS ENTERED PRIVATE PROPERTY WITHOUT CONSENT OR LEGAL AUTHORIZATION- WHICH IS DEFINED AS BURGLARY, (I.E; BURGLARY- UNLAWFUL ENTRY INTO A BUILDING OR STRUCTURE) WHETHER AT THE TIME OCCUPIED OR NOT. BODY WEAR CAMERA INTRODUCED AS EVIDENCE SHOWS OFFICERS ILLEGAL ENTRY AND THEM STATING THEY HAD TO BREAK IN PROPERTY, TO GET CONTRABAND THEY CHARGED WITH. SUBCHAPTER VI §23-591 PROHIBITS OFFICERS ILLEGAL ENTRY, CHAPTER 8 §22-802 PROHIBITS OFFICERS ILLEGAL ENTRY, GA. EQUAL ACCESS LAW PROHIBITS THEM FROM SOLELY CHARGING ME, AND 14<sup>th</sup> AMEND. "GUARANTEES EQUAL PROTECTION FROM LAW"

#8) OFFICERS UNLAWFUL RESTRAINT OF LIBERTY AND CONFINEMENT WITHOUT WARRANT FOR ARREST, SEARCH OR SEIZURE OF CONTRABAND OR DETERMINATION OF PROBABLE CAUSE VIOLATES CHAPTER 20 §22-2002 "KIDNAPPING" STATUTE AND 5<sup>th</sup> AMEND. "DUE PROCESS" AND 14<sup>th</sup> AMEND. "EQUAL PROTECTION" FROM LAW CLAUSE.

#9) COURTS DIDN'T INFORM OF RIGHT TO GRAND JURY SELECTION OR RIGHT TO CHALLENGE GRAND JURY SELECTION. THIS VIOLATES MY 5<sup>th</sup> AMEND. "DUE PROCESS" CLAUSE.

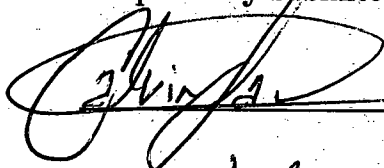
### REASONS FOR GRANTING THE PETITION

- 1) COURTS DEVIATED FROM NORMAL COURSE OF JUDICIAL PROCEEDING AS TO CALL FOR COURTS SUPERVISORY POWER.
- 2) MALICIOUS AND CRIMINAL CONDUCT APPLIED IN LOWER COURTS.
- 3) SUBSTANTIAL AMOUNT OF CONSTITUTIONAL VIOLATIONS IS CONST. BEING SUPREME LAW OF LAND.
- 4) LOWER COURTS HAVE MADE A DECISION ON AN IMPORTANT QUESTION AS TO INVOKE THIS COURT TO DECIDE ON THE MATTER.
- 5) ANY FURTHER DENIALS WOULD IMPLY COURTS ARE IN CONSPIRACY OR VIOLATION CONSPIRACY STATUTE TO INJURE OR OPPRESS OF RIGHT.  
(SEE 18 U.S.C.S 241, 242)

**CONCLUSION**

The petition for a writ of <sup>Habeas Corpus</sup> ~~certiorari~~ should be granted.

Respectfully submitted,

  
\_\_\_\_\_

Date: 5/5/2021

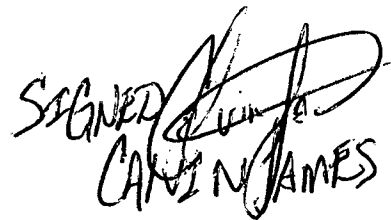
«DECLARATION DF»

«REASONS FOR FILING IN THIS COURT»

I CALL TO INVOKE THIS COURTS JURISDICTION  
AND FILING PURSUANT TO 28 U.S.C § 1651 (1),  
AND 28 U.S.C § 451.

I VE BEEN PREJUDICED AND INTENTIONALLY  
DELAYED IN PREVIOUS CLAIMS IN LOWER COURTS  
«SEE CLAIM # CV419-287 JAMES VS. U.S. MARSHALS AND  
CV419-289 JAMES VS. U.S. MARSHALS» ALSO SEE  
APPEAL # 19-11549. LOWER COURTS UNCONSTITUTIONAL  
AND CRIMINAL BEHAVIOUR CONFERS EXCEPTIONAL  
CIRCUMSTANCES THAT SHOULD WARRANT THE EXERCISE  
OF THIS COURTS DISCRETIONARY POWERS.

I STATE AND BELIEVE ADEQUATE RELIEF FOR THE  
ABOVE REASONS CANNOT BE OBTAINED IN ANY FORM  
FROM ANY OTHER COURT.

SIGNED   
CALVIN JAMES

«i»